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REPORT

TO THE

HONORABLE COMMISSIONERS OF SEWERS

OF THE

CITY OF LONDON,

ON CERTAIN

IMPERFECT MORTALITY RETURNS,

RELATING TO THE

VERDICTS OF CORONERS' JURIES.

BY

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*At a Meeting of the Commissioners of
Sewers of the City of London, held at
the Guildhall of the said City, Tuesday,
April 29th, 1856 :—*

The Medical Officer of Health laid before the Court the following report (as hereto annexed.)

ORDERED—

That the said Report be printed, and a Copy sent to every Member of this Court, and of the Court of Common Council.

ORDERED—

That a Copy be also sent to each of the Middlesex Magistrates.

JOSEPH DAW,
Principal Clerk.

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GENTLEMEN,

In accordance with your requisition of the 8th instant, I beg to submit my report on the imperfection of certain mortality returns which have come before you, chiefly the verdicts of Coroners' Juries; and of suggesting a means whereby greater effect might be given to the inquests of Coroners, especially in cases of sudden death.

Ever since I have had the honour of occupying a place here as your Sanitary Officer, I have noticed

that the mortality returns of this City, and also of the Metropolis generally, are too often vitiated by the imperfect record of "*sudden death*;" and as this is the record of cases in which inquests have been held, or ought to have been held, it has occurred to me that a far more satisfactory return should have been made, and that the inquiry ought to have been conducted in such a manner as to have determined *the actual cause of death*.

I need not tell you that for all statistical and hygienic purposes, such returns are utterly useless ; but when in addition to this, they are put forth as the verdicts of a Coroners' jury—as the results of a solemn and serious inquiry into the cause of sudden and unexpected deaths, I do not hesitate to affirm that they are likely to be productive of incalculable mischief.

To give you some idea of the extent to which these imperfect returns have been made, I will quote from the Third Annual Report of the Registrar General, where Dr. Farr has published a very elaborate account of all the inquests which were held in England during the years 1838 and 1839. From that it appears, that of the 35,000 inquests recorded, there were 6,708 in which the causes of death were not ascertained ; and that in two out of every three instances of sudden death, the verdicts were un-

satisfactory—it is proper to add that about one-third of those cases occurred in the Metropolis. I find also in reference to the general summary of the weekly returns of the births and deaths in London during the year 1855, that as many as 652 cases of sudden death were recorded during that period ; and it further appears that for the last fifteen years there have been 9,244 of these cases in London alone. These give an average of 616 unsatisfactory returns for every year, and I believe that they constitute as nearly as possible from twenty to twenty-five per cent. of all the inquests that are held in this Metropolis.

I have not had an opportunity of examining very fully the particulars of the Coroners' returns, but I am led to believe that the verdicts in these 9,244 cases were somewhat as follow :—about thirty per cent. are returned as “*Found dead in bed* ;” about twenty-six per cent. as “*Found dead in the street* ;” about ten per cent. as “*Found dead in a cellar*,” or “*on the floor* ;” or “*in a water closet*,” or “*in a cabriolet* ;” besides which there is a due proportion of “*Died from grief* ;” “*Died from passion* ;” “*Died of a broken heart* ;” and “*Died by the visitation of God*.”

I need not say that these are not the verdicts which the public have a right to expect from a

Coroners' Jury ; for the object of an inquest is to ascertain *the cause* of death ; and the inquiry has fallen short of its intention, when either of those imperfect verdicts is the record given. In truth, for the jury to go no further with the inquiry than where they began with it—to make the bare fact with which they started upon the investigation, namely, the finding of a dead body, the serious termination of it, is, to use the words of Dr. Farr, not likely either to inspire the criminal with dread, or the public with confidence.

Again, of the numerous cases in this City in which persons are found drowned, it appears from Dr. Farr's letter, that more than half of the verdicts are returned in an unsatisfactory manner. In fact, of the 351 instances alluded to, as having occurred in one year, the verdicts in 191 cases were merely "*Found drowned* ;" leaving it altogether undetermined as to whether the deaths were occasioned by suicide, homicide, or accident ; "The fact," says my authority, "that some bodies of drowned persons are never found ; that others are never identified ; and that murder by drowning leaves no marks ; appears to offer a chance of impunity to the commission of crime in this large City. Here the bodies found dead are taken to some obscure vault or to a public house, a work-house, or a small room that can be hired for

a few shillings, where they often lie undescribed, unadvertised, unknown, until the constable summon a jury in the immediate neighbourhood ; who, with no evidence before them of identity, or with little satisfactory evidence as to the circumstances of the death, bring in the common verdict of '*Found drowned*,' or '*Found dead* ;' and the unnamed corpse is then committed without further delay, trouble, or expense to the parish burial ground. Persons, continues Dr. Farr, may thus disappear and be buried, before their friends miss them, in the dense population of the Metropolis. Now, without adopting the French Morgue in all its details, some steps should be taken to remedy the defects in this part of our system of police. The bodies '*found dead*' should be conveyed to *one central place* where they may lie until notice had been given to the Coroners, and opportunities had been afforded for identifying them. Advertisements drawn up under the direction of the Coroners, should be sent to the newspapers, and placards to the police offices, before the inquests were held ; which would enable the parties concerned to identify the dead, and the juries to ascertain the cause of death, in compliance with the clause in the Registration Act."

That it is the duty of the Coroner to specify the cause of death in every case where he holds an inquest of death, is manifest from the wording

of every Act of Parliament, relating to his office, from the time of the first statute of Westminster in 1275. As lately as the 6th and 7th of William the Fourth; and the first year of the present reign, increased powers were given to the Coroner to enable him fully to accomplish it. In the Registration Act of 1837, it is expressly provided “that *in every case* in which an inquest shall be held on any dead body, the jury shall inquire of the particulars herein required to be registered *concerning the death*, and the Coroner shall inform the registrar of the finding of the jury, and the registrar shall make the entry accordingly.” Now the most important particular that is required to be registered is “*the cause of death.*” “The act,” says Dr. Farr, “left to the proper parties—the Coroners, the discretion of holding the inquest, but rendered it imperative on the jury whenever it was summoned to sit on a body, to inquire into the particulars of the cause of death ;” and for them to say that it was sudden, is to leave it undecided whether the death was occasioned by apoplexy, epilepsy, the rupture of a blood vessel, disease of the heart, mental excitement, exposure to cold, to noxious gases, or to hunger, a sun stroke, a discharge of lightning, violence, suffocation, drowning, the free use of an alcoholic liquor, or the action of poison. Some of these are of a criminal quality ; and although it

would be taking a very narrow view to suppose that inquests are intended only to detect murder, yet it must be manifest that even that cannot be ensured, without determining in every instance the actual cause of death. To fall short of this, therefore, is not only to leave the business imperfectly performed, but also to foster crime. In illustration of this, I may perhaps be permitted to allude to the manner in which the crime of secret poisoning has lately thickened upon us; to the extent to which the practice of criminal abortion is believed to prevail; to the murders which were almost daily committed in the rural districts, for the sake of burial fees; to the disastrous consequences that have followed upon the giving of narcotics to young children, and which has doubled the mortality of infants in our manufacturing districts; to the mischevious effects of quack medicines, bad food, and other improper treatment; and to the recklessness with which human life has been sacrificed in the mine and the factory. Let it, however, once be known that the verdict of the Coroner is sure to be a truthful record of the cause of death, and many of these things will pass away from us, and the criminal will pause at the very threshold of his evil doing.

It does not fall within my province to discuss the circumstances under which inquests should be held,

that which I am arguing for is, that when they *are* held, they should be conducted in a more satisfactory manner. I may, however, be allowed to remind you that the function of the Coroners' office is important, to all classes of the community, and that to the poor it is vastly so. "If," to use the language of a leading article in the *Times*, "the rich man be on his death bed, he is surrounded by relatives and friends; physicians must be called in; his condition from day to day is the theme of twenty mouths, and the occupation of twenty minds; but when life's fever is nearly at an end with the poor man, either by the process of natural disease, or because some secret hand has mixed poison in his dish, and the medicine has completed what the food had begun, who is to mark the event? What hand is near to wipe the death-sweat from his brow, but the one which in all probability laid him low in the pride of his manly strength?" And who is to expose the dark deeds of such an inhuman murderer but the Coroner and his jury? Look again at the influence which such inquiries have over the affairs of the workhouse and the prison, the madhouse, the factory, and, in short, the thousand other places where the life and health of the poor are but sadly cared for.

As to the mode in which the inquests of Coroners are to be made more effective, I have but little to

say ; for already it has occupied the attention of those who have control over them, and has been publicly discussed. The Magistrates, at Quarter Sessions, who are the custodians of the public purse, are disposed to think that the office of Coroner might be abolished, and the duties of it thrown into the hands of the police ; but I am confident that this would be a very hazardous proceeding ; for although every respect is due to the integrity of the gentlemen who occupy the bench, yet it must be remembered that it is not in human nature to oppose itself to its own interests ; and knowing the manner in which the stipendiary Magistrates are elected, it would be the height of imprudence to transfer to their hands a power, the exercise of which would often run counter to their interests. It has been truly said, that the Police Magistrate has no will of his own, when his opinions differ from those of the government ; and as an instance of this, your Coroner, Mr. Payne, has stated the following :—“ When Sir Robert Baker was Chief Magistrate of Bow Street, he had orders from the government not to allow the funeral of Queen Caroline to pass in a certain direction ; but knowing that if he obeyed these orders, bloodshed and loss of life would certainly result, he did allow the funeral to pass ; and for this act of disobedience he was instantly dismissed.” Now supposing that a less merciful man than Sir Robert Baker had

been in his place, and that, by obeying the orders of the government, bloodshed and loss of life had resulted, what would have been the consequence? Why, that if the Coroners' power were vested in the Magistrate, no inquiry whatever would have been instituted, and the public would never have received satisfaction for the wilful murder committed under the indiscretion of an obedient officer.

To take another instance: "When Mr. Wakley battled so courageously against the inhuman practice of army flogging, it is well known that the whole influence of the Horse-Guards would have been exerted to prevent, or patch up, the Hounslow case, had not the Coroner been resolved to pursue the iniquity into the most secret recesses of its guilt. But what would have become of Mr. Wakley had his appointment been at the mercy of the government, of which the Horse-Guards formed part? A word from the Commander-in-Chief to the Home Secretary would very quickly have blown the Coroner from his course; and barbarity would have found shelter with tyranny. And so it would be, if, under the proposed arrangements, another Hounslow case were to occur; no Magistrate, however spirited or conscientious, would dare to array his individual person against the overwhelming power of the Horse-Guards—for indeed to do so would be the excess of foolhardiness. What, then.

would become of the claims of humanity ; Where would they find a protector or an advocate ? ”

Or suppose that a death took place at a police station, or in a prison, from the violence or neglect of those who had authority there. Who is to investigate the facts of such a case ? or who is likely to have the hardihood to make the truth of it public ?

But this is not the worst of the scheme ; for, if the duties were transferred to the police, it would be not merely giving the Magistrate authority to set in judgment in such cases, but it would be deputing to one or two subordinate individuals, perhaps the least responsible members of the force, the absolute power either of suppressing inquiry at the onset, or of unnecessarily promoting it. This is a discretionary power that ought not to be possessed by any irresponsible person ; and I cannot perceive, viewing all the facts of the case, that any good whatever could result from such a change in the Coroners' office.

At the present time the Coroners' inquiries are conducted in public ; they are instituted before twelve men of the neighbourhood—men who are, from their local knowledge, best able to understand and appreciate the facts of the case. Besides which

it must not be forgotten that the Coroner is a public officer; that he is not answerable for his conduct to any but the public, and is, therefore most likely to protect its interests. Again, the institution itself has its foundation on the wants and prejudices of the people; its importance and value are deeply rooted in the public mind; and its usefulness has been sanctioned by the experience of ages. I have elsewhere expressed myself very fully in this matter, and I believe it is advisable to reform, and, if possible to strengthen the office of the Coroner. This may be accomplished in various ways;—as, by defining the circumstances under which inquests ought to be held; by increasing the dignity of the Coroners' office; by not calling his acts in question, unless there is good reason for so doing; by abolishing fees, and paying him as other Judges are paid, by a fixed salary; and above all, by appointing an officer whose duty it should be to make preliminary inquiries as to the necessity for holding an inquest; such an officer should also undertake or superintend the making of *post-mortems*, and should perform the chemical analysis when necessary. The functions of this officer would be somewhat allied to those of the Procurator-fiscal in Scotland, and the like officer on the Continent. But there would be this important difference between them, namely, that in the case of the medical officer to which I allude, there would be no power of pronouncing judgment;

for the whole duty of publicly investigating the facts would rest, as now, with the Coroner and his jury. Mr. Payne, Mr. Chadwick, and others have expressed themselves in favour of this suggestion ; and I am convinced that by adopting some such a reform, the hands of the Coroner would be greatly strengthened ; the cause of death would be more frequently determined ; the expense of the investigation would be considerably reduced ; the officiousness of unfeeling constables would be entirely set aside ; and in fine, the confidence of the public would be completely secured, and its safety fully provided for.

I have the honour to remain,

Your obedient Servant,

HY. LETHEBY, M.B.,

Medical Officer of Health to the City of London.

GUILDHALL,

April 29th, 1856.

